AGENDA FOR THE REGULAR COUNCIL MEETING OF MONDAY, MARCH 20, 2006 AT 2:00 P.M. CITY ADMINISTRATION BUILDING COUNCIL CHAMBERS – 12TH FLOOR 202 "C" STREET SAN DIEGO, CA 92101

ITEM-1: ROLL CALL.

ITEM-10: INVOCATION.

ITEM-20: PLEDGE OF ALLEGIANCE.

NON-AGENDA PUBLIC COMMENT

Non-agenda public comment is taken on Tuesday pursuant to the San Diego Municipal Code Section 22.0101.

COUNCIL, INDEPENDENT BUDGET ANALYST, CITY ATTORNEY COMMENT

REQUESTS FOR CONTINUANCE

The Council will now consider requests to continue specific items.

=== LEGISLATIVE SCHEDULE ===

Adoption Agenda, Discussion, Other Legislative Items

ITEM-200: Airport Land Use Plan Determination Override. (Mira Mesa Community

Area. District 5.)

STAFF'S RECOMMENDATION: Adopt the resolution.

ITEM-201: Cost Allocation Policy of the Mayor.

STAFF'S RECOMMENDATION: Adopt the resolution.

ITEM-202: Agreement Between the City of San Diego and J. Rod Betts of Paul,

Plevin, Sullivan and Connaughton, LLP for Services Pertaining to the Meet and Confer Process with the City's Five Recognized Employee

Organizations.

STAFF'S RECOMMENDATION: Adopt the resolution.

ITEM-203: Appointments to the San Diego Convention Center Corporation Board of

Directors.

MAYOR SANDERS' RECOMMENDATION: Adopt the resolution.

ITEM-204: College Grove Condos. (Eastern Neighborhood of Mid-City Communities

Plan Area. District 7.)

Matter of approving, conditionally approving, modifying or denying a 45-unit residential condominium development on a 1.91-acre site located at 6420 College Grove Drive. The project requires a Rezone from RM-1-1 and RS-1-7 to RM-2-5; an Easement Vacation to abandon a storm drain easement; a Vesting Tentative Map for condominium development; a Planned Development Permit for deviations to certain development regulations; and, a Site Development Permit for environmental sensitive lands.

STAFF'S RECOMMENDATION: Adopt the resolutions in Subitem A,

C, and D; and introduce the ordinance in Subitem B.

CLOSED SESSION NOTICES, DISCLOSURE, AND PUBLIC COMMENT

In accordance with the San Diego City Council Permanent Rule for Noticing and Conduct of Closed Session Meeting, adopted on February 28, 2005, this portion of the agenda is reserved for City Attorney comment, public comment, and City Council discussion of the content of the Closed Session Agenda scheduled for 9 a.m. on Tuesday, March 21, 2006. The Closed Session Agenda is separately available in the Office of the City Clerk and also posted at the same locations as the Open Session Agenda, including the City internet address.

NOTE:

Members of the public wishing to address the City Council on any item on the Closed Session Agenda should reference the closed session item number from the Closed Session Docket on the speaker slip. Speakers may speak "in favor" or "in opposition" to the subject.

Information Item - No Action Required - The City Council shall:

1) Consider any oral report from the City Attorney or City negotiators; 2) Accept testimony from any member of the public wishing to address the City Council on any item appearing on the Closed Session Agenda; 3) Questions and discussion by Council Members, limited to the facts as disclosed by the City Attorney or City negotiators and the basis or justification for consideration of the matter in closed session 4) Refer matters discussed to closed session.

=== LEGISLATIVE SCHEDULE (Continued) ===

Public Notices

ITEM-250:	Notice of Settlement to Barratt American Inc., Lee Living Trust, et al., for Attorneys' Fees and Costs.
ITEM-251:	Notice of Pending Final Map Approval – 911 Missouri Street.
ITEM-252:	Notice of Pending Final Map Approval – Otay Pacific Business Park.
ITEM-253:	Notice of Pending Final Map Approval – 3345 29 th Street Condominiums.
ITEM-254:	Notice of Pending Final Map Approval - Mission Hills Commons.
ITEM-255:	Submission of Ballot Proposals

Non-Docket Items

Adjournment in Honor of Appropriate Parties

Adjournment

=== EXPANDED CITY COUNCIL AGENDA ===

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

ITEM-200: Airport Land Use Plan Determination Override.

(See Report to the City Council 06-028. Mira Mesa Community Area. District 5.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-131 Cor. Copy)

Denying the applicant's request that the City Council override the City Manager's determination of non-compliance with the Comprehensive Land Use Plan (CLUP) for Marine Corps Air Station Miramar.

Staff: Kelly Broughton - (619) 557-7983

Shannon M. Thomas - Deputy City Attorney

NOTE: This item is not subject to Mayor's veto.

RESOLUTIONS: (Continued)

ITEM-201: Cost Allocation Policy of the Mayor.

(See Independent Budget Analyst Report No. 06-12; and memorandum from Mayor Sanders dated 3/17/2006.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-786)

Adopting the Cost Allocation Policy of the Mayor and directing that the Mayor adopt necessary procedures to implement said policy.

STAFF SUPPORTING INFORMATION:

In order to make sound fiscal management decisions, accurate revenue and expenditure financial information is to be maintained regarding the operations of the City. The purpose of this Cost Allocation Policy (Policy) is to establish guidelines to be used by the City when allocating costs to:

- Provide management information through accurate costing of auxiliary activities.
- Provide for reimbursement between budgeted operations and enterprises for costs incurred by one unit which benefit one or more other units.
- Ensure proportional equity and consistency in the accounting for the allocation of indirect costs.

The Policy addresses three types of costs: direct costs, indirect costs, and central support service costs utilizing, to the extent applicable, the cost allocation guidelines set forth in the Office of Management and Budget Circular A-87 (a publication of OMB which provides guidance respecting cost allocation methods for federal grants).

The Policy also incorporates four primary guidelines:

- 1. Necessary & Reasonable A prudent person would have purchased this item and paid this price.
- 2. Allocable Expenses can be allocated based on benefit derived, cause and effect, or other equitable relationship.
- 3. Consistent Treatment Like expenses must be treated the same in like circumstances.
- 4. Allowable Permitted as a direct cost under the terms of a specific law, grant, contract, policy, etc.

The City's Chief Financial Officer shall be responsible for the development and implementation of the City's cost allocation policy. This Policy was developed in conjunction with the City's Auditor and Comptroller and the City Attorney. Macias, Gini & Company, the City's Outside Auditor, has also provided input during Policy development.

RESOLUTIONS: (Continued)

ITEM-201: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

The Policy shall be reviewed at least on a bi-annual basis and any recommended changes to the Policy shall be submitted to the City Council for approval.

The City's Chief Financial Officer shall consult with the City's Auditor and Comptroller about accounting and cost allocation determinations as frequently as necessary to ensure that cost accounting principles are being accurately applied. The City's Chief Financial Officer shall consult with the Auditor and Comptroller and the City Attorney prior to the allocation of indirect costs to any enterprise funds of the City to ensure that such allocation is appropriate under the Charter and applicable law.

FISCAL CONSIDERATIONS:

In summary, the cost allocation methodologies should meet the following requirements:

- 1. Use direct costing whenever possible.
- 2. Be a reasonable reflection of the actual business operations.
- 3. Reflect only the portion of costs which is applicable to the specific program for which services are contracted.
- 4. Be consistent in the use of allocation methods, for cost-reporting purposes, across contracts, program areas, and other businesses.
- 5. Be based on criteria directly related to program costs.
- 6. Provide a clear and understandable explanation of the numerator and denominator of the allocation ratio used, described in words and in numbers.
- 7. Show 100% allocation of the costs being allocated.
- 8. Show how and to which specific business components the remaining percentages of costs were allocated.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

None for this action.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

This Policy is applicable to all City Operations.

Goldstone/Froman

Staff: Jay Goldstone - (619) 236-5941

Mark D. Blake - Chief Deputy City Attorney

RESOLUTIONS: (Continued)

ITEM-202: Agreement Between the City of San Diego and J. Rod Betts of Paul, Plevin,

Sullivan and Connaughton, LLP for Services Pertaining to the Meet and Confer

Process with the City's Five Recognized Employee Organizations.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-713)

Approving the Consulting Agreement between the City of San Diego and Paul, Plevin, Sullivan & Connaughton, LLP (Agreement), and authorizing and empowering the Chief Operating Officer to execute, for and on behalf of the City, the Agreement in an amount not to exceed \$250,000 for consulting services pertaining to the Meet and Confer process with the City's five recognized employee organizations, under the terms and conditions set forth in the Agreement.

STAFF SUPPORTING INFORMATION:

On March 1, 2006, an agreement was entered into by the City of San Diego Mayor's Office and Paul, Plevin, Sullivan and Connaughton, LLP contingent upon Council approval. The agreement was for Paul, Plevin, Sullivan and Connaughton, LLP to provide consulting services to the City pertaining to the "Meet and Confer" process with the City's five recognized employee organizations. It is anticipated that services provided are not to exceed \$250,000.

FISCAL CONSIDERATIONS:

None.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

None.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

None.

Froman/Roberts

Aud. Cert. 2600650.

Staff: Dean Roberts – (619) 236-6929

Keri Katz – Deputy City Attorney

RESOLUTIONS: (Continued)

ITEM-203: Appointments to the San Diego Convention Center Corporation Board of

Directors.

(See memorandum from Mayor Sanders and Council President Peters dated

3/1/2006.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2006-785)

Council confirmation of the following appointments by the Mayor of the City of San Diego to serve as directors of the San Diego Convention Center Corporation, for terms ending as indicated:

NAME TERM ENDING

Cheryl D. Kendrick December 1, 2008

(Point Loma, District 2) (Replacing Daniel McAllister, whose term has expired)

Robert E. Nelson December 1, 2008

(Bankers Hill, District 3) (Replacing C. April Boling, whose term has expired)

Chris W. Cramer December 1, 2007

(Point Loma, District 2)

(Replacing Robert H. Gleason,

who has resigned)

Cheryl A. Fisher December 1, 2006

(El Cajon)

(Replacing Wilmer Cooks,

who has resigned)

Determining that pursuant to Council Policy 000-13, for purposes of deliberation and consideration of appointment, that Cheryl A. Fisher is a resident of San Diego County, but not the City of San Diego, and has unique qualifications to serve as a member of the Board, therefore, a conscious exception to Council Policy 000-13 is hereby declared.

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

ITEM-204: College Grove Condos.

Matter of approving, conditionally approving, modifying or denying a 45-unit residential condominium development on a 1.91-acre site located at 6420 College Grove Drive. The project requires a Rezone from RM-1-1 and RS-1-7 to RM-2-5; an Easement Vacation to abandon a storm drain easement; a Vesting Tentative Map for condominium development; a Planned Development Permit for deviations to certain development regulations; and, a Site Development Permit for environmental sensitive lands.

(Eastern Neighborhood of Mid-City Communities Plan Area. District 7.)

(Continued from the meeting of March 7, 2006, Item 334, at the request of Councilmember Faulconer, for full Council.)

NOTE: Hearing open. No public testimony taken on March 7, 2006.

STAFF'S RECOMMENDATION:

Adopt the resolutions in Subitems A, C, and D; and introduce the ordinance in Subitem B:

Subitem-A: (R-2006-667)

Adoption of a Resolution certifying Mitigated Negative Declaration LDR No. 56578, on file in the Office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of a rezone, vested tentative map with easement abandonment, and planned development permit/site development permit for the College Grove Condos;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration, a copy of which is on file in the Office of the City Clerk and incorporated by reference, is approved;

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-204: (Continued)

Subitem-A: (Continued)

That pursuant to California Public Resources Code Section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto, as Exhibit A, and incorporated herein by reference;

That the City Clerk is directed to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (O-2006-92)

Introduction of an Ordinance changing 1.91 acres, located at 6420 College Grove Drive, East of College Avenue, in the eastern area community of the Mid-City Communities Plan Area, in the City of San Diego, California, from the RM-1-1 and the RS-1-7 Zones of the Central Urbanized Planned District into the RM-2-5 Zone of the Central Urbanized Planned District, as defined by San Diego Municipal Code Sections 131.0406 and 131.0403, and Repealing Ordinance No. O-18855 (New Series), adopted October 2, 2000, of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

Subitem-C: (R-2006-666)

Adoption of a Resolution adopting the findings with respect to Planned Development Permit No. 165297/Site Development Permit No. 289473;

That Planned Development Permit No. 165297/Site Development Permit No. 289473 is granted to Beacon Group, LLC, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-204: (Continued)

Subitem-D: (R-2006-665)

Adoption of a Resolution adopting the findings with respect to Vesting Tentative Map No. 172907;

That pursuant to California Government Code Section 66434(g), the public service easement as shown on Drawing No. 6572-D, and located within the project boundaries as shown in Vesting Tentative Map No. 172907, shall be vacated, contingent upon the recordation of the approved final map for the project;

That Vesting Tentative Map No. 172907 is granted to Beacon Group LLC, Applicant/Subdivider and Project Design Consultants, Engineer, subject to the attached conditions which are made a part of this resolution by this reference.

OTHER RECOMMENDATIONS:

Planning Commission on January 19, 2006, voted 5-0 to approve; no opposition.

Ayes: Schultz, Garcia, Chase, Ontai, Steele

Not present: Griswold, Otsuji

On November 22, 2005, the Eastern Area Planning Committee recommended approval of the project by a vote of 12-0-0 with no conditions.

STAFF SUPPORTING INFORMATION:

The College Grove Condominium Project is a 45-unit residential condominium development to be constructed at a 1.91-acre vacant site located at 6420 College Grove Drive, just south of College Avenue. Project implementation requires the following approvals: A rezone from RM-1-1 and RS-1-7 to RM-2-5; an easement vacation to abandon a ten foot wide storm drain easement; a Vesting Tentative Map for the condominium development; a Planned Development Permit for the proposed deviation to the front and side yard setback and retaining wall height; and, a Site Development Permit for potential impacts to the biological and paleontological resources. On January 19, 2006, the Planning Commission recommended unanimous approval of the project by a vote of 5-0-0. The property is located in the Eastern Community of the Mid City Communities Planning Area and within Council District 7.

Halbert/NSK

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-204: (Continued)

LEGAL DESCRIPTION:

The proposed development would be located at 6420 College Grove Drive in the Mid-City Community Plan (Lot 3 College Grove Center) in the City and County of San Diego.

Staff: Nilia Koering – (619) 446-5107

Douglas K. Humphreys – Deputy City Attorney

NOTE: This item is not subject to Mayor's veto.

CLOSED SESSION NOTICES, DISCLOSURE, AND PUBLIC COMMENT

In accordance with the San Diego City Council Permanent Rule for Noticing and Conduct of Closed Session Meeting, adopted on February 28, 2005, this portion of the agenda is reserved for City Attorney comment, public comment, and City Council discussion of the content of the Closed Session Agenda scheduled for 9 a.m. on Tuesday, March 21, 2006. The Closed Session Agenda is separately available in the Office of the City Clerk and also posted at the same locations as the Open Session Agenda, including the City internet address.

NOTE:

Members of the public wishing to address the City Council on any item on the Closed Session Agenda should reference the closed session item number from the Closed Session Docket on the speaker slip. Speakers may speak "in favor" or "in opposition" to the subject.

Information Item - No Action Required - The City Council shall:

1) Consider any oral report from the City Attorney or City negotiators; 2) Accept testimony from any member of the public wishing to address the City Council on any item appearing on the Closed Session Agenda; 3) Questions and discussion by Council Members, limited to the facts as disclosed by the City Attorney or City negotiators and the basis or justification for consideration of the matter in closed session 4) Refer matters discussed to closed session.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-250: **Notice** of Settlement to Barratt American Inc., Lee Living Trust, et al., for Attorneys' Fees and Costs.

(R-2006-756)

Adopted as Resolution R-301255 on February 28, 2006.

A Resolution approved by the City Council in Closed Session on Tuesday, February 28, 2006, by the following vote: Peters-yea; Faulconer-yea; Atkins-yea; Young-yea; Maienschein-not present; Frye-yea; Madaffer-yea; Hueso-not present.

Approving payment of \$106,612.06 in settlement to Barratt American Inc., Lee Living Trust et al. (City of San Diego v. Barratt American, Inc., Lee Living Trust, et al., San Diego Superior Court Case No. GIC 771344-1), for attorneys' fees and costs awarded by the San Diego Superior Court after trial and appeal (\$3,307.06 for interest owed on trial court attorney fee award and \$103,305 for attorneys' fees on appeal).

Aud. Cert. 2600626.

NOTE: This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-251: **Notice** of Pending Final Map Approval – 911 Missouri Street.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled "911 Missouri Street" (T.M. No. 148367/PTS No. 88840), located on the south side of Missouri Street between Bayard Street and Cass Street in the Pacific Beach Community Plan Area in Council District 2, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-252: **Notice** of Pending Final Map Approval – Otay Pacific Business Park.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled "Otay Pacific Business Park" (T.M. No. 7078/PTS No. 53281), located southeasterly of Siempre Viva Road and Britannia Blvd. in the Otay Mesa Community Plan Area in Council District 8, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-253: **Notice** of Pending Final Map Approval – 3345 29th Street Condominiums.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled "3345 29th Street Condominiums" (T.M. No. 130918/PTS No. 73685), located on the east side of 29th Street between Upas Street and Thorn Street in the Greater North Park Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-254: **Notice** of Pending Final Map Approval - Mission Hills Commons.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled "Mission Hills Commons" (T.M. No. 96003/PTS No. 60516), located on the east side of Falcon Street between Washington Street and Fort Stockton Drive in the Uptown Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-255: SUBMISSION OF BALLOT PROPOSALS

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who shall then transmit them promptly to the Rules Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred back to Council following Rules Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the June 6, 2006 election:

<u>DAY</u>	<u>DATE</u>	DAYS BEFORE <u>ELECTION</u>	<u>EVENT</u>
Friday	1/20/2006	137	LAST DATE (10:00 a.m.) for public, departments, and agencies to submit ballot proposals to City Clerk for review by Rules Committee
Wednesday	1/25/2006	132	Rules Committee review
Monday	1/30/2006	127	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee
Monday	2/06/2006	120	Council adopts propositions for ballot; directs City Attorney to prepare ordinances
Monday	2/27/2006	99	Council adopts ordinances prepared by City Attorney
Friday	3/10/2006	88	Last day for City Clerk to file with Registrar of Voters all elections material
Thursday	3/23/2006	75	Last day to file ballot arguments with City Clerk

If you have questions, please contact the Office of the City Clerk at (619) 533-4050.

NON-DOCKET ITEMS
ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES
ADJOURNMENT